

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 WILLIAM RAYMOND POWERS, :  
     Plaintiff, :  
     :  
     v. :  
     :  
 AVA ZELENETSKY and ZELENETSKY AND :  
     ASSOCIATES, :  
     Defendants. :  
 -----x

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ORDER

21 CV 4651 (VB)

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Chambers of Vincent L. Briccetti DH

The procedural history of this case is set forth in the Court's Orders dated February 15, 2022, and April 8, 2022. (Docs. ##11, 13).

After plaintiff failed to comply with the Court's February 15 and April 8 Orders, by Order dated April 22, 2022, the Court dismissed this action pursuant to Fed. R. Civ. P. 41(b). (Doc. #14). However, on the same day, but after the Court issued the April 22 Order, plaintiff filed a proposed certificate of default and an affirmation in support thereof. (Docs. ##15–16). The Clerk issued a certificate of default as to both defendants on April 25, 2022. (Doc. #17).

Accordingly, by Order dated April 28, 2022, the Court vacated its April 22 Order dismissing plaintiff's case and directed plaintiff to move for default judgment against the defendants by no later than May 11, 2022. (Doc. #18).

On May 3, 2022, plaintiff moved for default judgment against all defendants. (Doc. #21). By Order dated May 6, 2022, the Court (i) ordered defendants to show cause before this Court in Courtroom 620 at the White Plains Courthouse on June 30, 2022, at 12:30 p.m., why a default judgment should not be issued pursuant to Fed. R. Civ. P. 55(b)(2) in favor of plaintiff and against defendants, and (ii) ordered plaintiff to serve copies of his motion for default judgment and supporting papers, as well as the Court's May 6 Order, on defendants by no later than May

20, 2022, and to file proof of service with the Court by the same date. (Doc. #22). A copy of the May 6 Order was mailed to plaintiff at the address on the docket.

Plaintiff failed to file proof of service of the default judgment papers and the Court's May 6 Order on defendants. Therefore, on June 23, 2022, the Court issued an Order sua sponte extending plaintiff's time to file proof of service to June 28, 2022. (Doc. #23).

To date, plaintiff has not filed proof of service of the above referenced documents on each defendant, and defendants have not answered, moved, or responded to the complaint or otherwise appeared in this case.

Moreover, neither plaintiff, nor defendants, appeared today for the hearing on the May 6 Order to Show Cause. None of the parties contacted the Court with a request to adjourn the hearing, to proceed by telephone, or for any other purpose.

In light of plaintiff's pro se status, the Court reluctantly extends plaintiff's deadline to serve the papers identified in the Court's May 6 Order, as well as this Order, on all defendants using the method described in the May 6 Order, and to file proof of service of same on the docket, to **July 14, 2022**.

In addition, the hearing on the Order to Show Cause dated May 6, 2022, is rescheduled to **August 22, 2022, at 10:00 a.m., to be conducted in person in Courtroom 620 of the United States Courthouse at 300 Quarropas Street, White Plains, New York, 10601**. If any party is unable to attend the hearing for any reason, that party must request an adjournment or other accommodation with the Court.

**If plaintiff (i) fails to serve defendants with the default judgment papers and the Court's Orders identified above, or to file proof of service on the docket, by July 14, 2022,**

and (ii) fails to appear for or seek an adjournment of the hearing on August 22, 2022, the Court will dismiss this case for failure to prosecute and comply with Court orders pursuant to Fed. R. Civ. P. 41(b).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: June 30, 2022  
White Plains, NY

SO ORDERED:

  
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Vincent L. Briccetti  
United States District Judge